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SHIPBUILDING AND DRY DOCK COMPANY
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 MARGARET McCUE, as Wrongful Death)
Heir, and as Successor-in-Interest to)
12 STANLEY McCUE, Deceased; and)
STEPHANIE FINCH and JEFFERY)
13 McCUE, as Legal Heirs of STANLEY)
McCUE, Deceased, JOANN VALLADON,)
14 as Wrongful Death Heir, and as Successor-)
in-Interest to GEORGE VALLADON,)
15 Deceased; and BRAD VALLADON,)
JOYCE SISSOM, TERRY VALLADON,)
16 as Legal Heirs of GEORGE VALLADON,)
Deceased, MARGARET LINDSEY, as)
17 Wrongful Death Heir, and as Successor-in-)
Interest to ROBERT LINDSEY, Deceased;)
18 and CYNTHIA LINDSEY TATE and)
MARCUS LINDSEY, as Legal Heirs of)
19 ROBERT LINDSEY, Deceased,

20 Plaintiffs,

21 v.

22 GENERAL ELECTRIC COMPANY;
KAISER VENTURES LLC, NEWPORT
23 NEWS SHIPBUILDING AND DRY
DOCK COMPANY, UNITED STATES
24 STEEL CORPORATION,

25 Defendants.

Case No. CV08-3181 EMC

**NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING**

[Civil Local Rule 3-13]

Complaint Filed: July 2, 2008

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27 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
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1 Defendant Newport News Shipbuilding and Dry Dock Company ("Newport")
 2 hereby notifies the Court and all parties pursuant to Civil Local Rule 3-13 of the pendency
 3 of the following other actions involving all or a material part of the same subject matter as
 4 this asbestos wrongful death action:

5 1. On February 20, 2008, Margaret McCue, Stephanie Finch, and Jeffery
 6 McCue filed an action against numerous defendants entitled *Margaret McCue, et al. v.*
 7 *Asbestos Defendants*, San Francisco Superior Court Case No. CGC-08-274549. The state
 8 court action seeks recovery for the wrongful death allegedly arising out of Stanley
 9 McCue's exposure to asbestos. A copy of the complaint is attached.

10 2. On June 12, 2008, Joann Valladon, Brad Valladon, Joyce Sissom, and Terry
 11 Valladon filed a first amended complaint for wrongful death against numerous defendants
 12 entitled *Joann Valladon, et al. v. Asbestos Defendants*, San Francisco Superior Court Case
 13 No. CGC-03-421945. The state court action seeks recovery for the wrongful death
 14 allegedly arising out of George Valladon's exposure to asbestos. A copy of the complaint
 15 is attached.

16 3. On May 29, 2008, Margaret Lindsey, Cynthia Lindsey Tate, and Marcus
 17 Lindsey filed an action against numerous defendants entitled *Margaret Lindsey, et al. v.*
 18 *Asbestos Defendants*, San Francisco Superior Court Case No. CGC-08-274678. The state
 19 court action seeks recovery for the wrongful death allegedly arising out of Robert
 20 Lindsey's exposure to asbestos. A copy of the complaint is attached.

21 4. These state court actions are currently pending in the San Francisco Superior
 22 Court located in San Francisco, California. A copy of the electronic dockets are also
 23 attached.

24 5. The state court actions seek recovery for the same injuries and damages
 25 alleged in this action. Because this action involves claims against Newport that are subject
 26 to removal pursuant to 28 U.S.C. §§ 1442 and 1446, under which the United States District
 27 Court has subject matter jurisdiction to adjudicate claims with respect to persons acting
 28 under an officer or agency of the United States, this case should not be coordinated with

1 the state court actions. As requested in Newport's notice of tag-along action, this case
2 should be transferred to the United States District Court for the Eastern District of
3 Pennsylvania pursuant to 28 U.S.C. § 1407.

4 Dated: August 11, 2008

HAIGHT BROWN & BONESTEEL LLP

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6 By: Nairi Chakalian

Daniel J. Kelly
Nairi Chakalian
Attorneys for Defendant
NEWPORT NEWS SHIPBUILDING
AND DRY DOCK COMPANY